

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

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JOSEPH T. TOY,

Case No. 2:14-CV-1721 JCM (PAL)

Plaintiff(s),

ORDER

V.

STATE OF NEVADA, et al.,

Defendant(s).

Presently before the court is Magistrate Judge Leen's report and recommendation. (Doc. # 2). *Pro se* plaintiff Joseph T. Toy has not filed an objection and the deadline to do so has passed.

This court “may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate.” 28 U.S.C. § 636(b)(1). Where a party timely objects to a magistrate judge’s report and recommendation, then the court is required to “make a de novo determination of those portions of the [report and recommendation] to which objection is made.” 28 U.S.C. § 636(b)(1).

Where a party fails to object, however, the court is not required to conduct “any review at all . . . of any issue that is not the subject of an objection.” *Thomas v. Arn*, 474 U.S. 140, 149 (1985). Indeed, the Ninth Circuit has recognized that a district court is not required to review a magistrate judge’s report and recommendation where no objections have been filed. *See United States v. Reyna-Tapia*, 328 F.3d 1114 (9th Cir. 2003) (disregarding the standard of review employed by the district court when reviewing a report and recommendation to which no objections were made); *see also Schmidt v. Johnstone*, 263 F. Supp. 2d 1219, 1226 (D. Ariz. 2003) (reading the Ninth Circuit’s decision in *Reyna-Tapia* as adopting the view that district courts are not required to review “any issue that is not the subject of an objection.”). Thus, if there is no

1 objection to a magistrate judge's recommendation, then this court may accept the recommendation
2 without review. *See, e.g., Johnstone*, 263 F. Supp. 2d at 1226 (accepting, without review, a
3 magistrate judge's recommendation to which no objection was filed).

4 Nevertheless, this court finds it appropriate to engage in a de novo review to determine
5 whether to adopt the recommendation of the magistrate judge. This is one of four applications
6 and attached complaints plaintiff filed between October 16 and October 17, 2014, related to his
7 mother's treatment by state and local authorities. (Doc. # 1). The court granted plaintiff's request
8 to proceed *in forma pauperis* and screened the complaint under 28 U.S.C. § 1915(e)(2).

9 The magistrate judge ordered plaintiff's complaint be filed, and recommended plaintiff's
10 complaint be dismissed for failure to state a claim upon which relief can be granted. The magistrate
11 judge denied plaintiff leave to amend his complaint because plaintiff's claims cannot be cured by
12 the allegation of additional facts.

13 Upon reviewing the recommendation and underlying briefs, and in light of plaintiff's
14 failure to object, this court finds good cause appears to ADOPT the magistrate's findings in full.

15 Accordingly,

16 IT IS HEREBY ORDERED, ADJUDGED, and DECREED that Magistrate Judge Leen's
17 report and recommendation (doc. # 2) be, and the same hereby, is ADOPTED.

18 IT IS FURTHER ORDERED that plaintiff's complaint DISMISSED. The clerk is
19 instructed to close the case.

20 DATED February 18, 2015.

21 
22 UNITED STATES DISTRICT JUDGE